

**Clermont County  
Transportation Improvement District  
Board of Trustees Meeting**

Minutes of the Regular Meeting  
Friday, February 12, 2010

**A. Call to Order**

The Regular Meeting of the Clermont County Transportation Improvement District (CCTID) Board of Trustees was called to order at 9:11 AM, Friday, February 12, 2010, at the Clermont County Engineer's Shared Conference Room, 2381 Clermont Center Drive, Batavia, Ohio 45103.

**Attendees:**

Board Members: David L. Spinney, Chair  
Pat Manger, Vice Chair  
Steve Wharton, Secretary/Treasurer  
Cory Wright, Member

**Other Guests:**

|   |                                       |
|---|---------------------------------------|
| Karen Swartz, Commissioners Office      | Ron Roberts, Roberts Engineering      |
| Andy Johns, Planning Department         | Cindy Minter, MACTEC                  |
| Ed Humphrey, Commissioner               | Katie Zehnder, HNTB                   |
| John Offenberger, Northwest Consultants | Jeff Proctor, TranSystems             |
| Loretta Rokey, Milford                  | George Webb, H.C. Nutting             |
| Rusty Schuermann, Legal Counsel         | Deb Osborne, ENTRAN                   |
| Heather Turpin, CTL Engineering         | Nathan Moore, Kleingers & Assoc.      |
| Craig Stephenson, CCEO                  | Bob Bailey, Bayer Becker              |
| Wayne Bastin, Bastin & Company          | Katie Nolan, Gresham Smith & Partners |
| Tom Yeager, Water Resources             | Rick Evans, Henderson & Bodwell       |
| Dennis Jennings, Palmer                 | Keith Smith, ODOT                     |
| Scot Lahrmer, Commissioners Office      | Chris Breda, FSA                      |
| Karl Schultz, Miami Township            | Jon Brunot, B&N                       |
| Bob Koehler, OKI                        | David Wormald, URS                    |
| Jim Breitingner, HDR                    | Lyle Bloom, CCWRD                     |
| Andy Shahan, LJB Inc.                   | Aaron Littman, TEC                    |
| Todd Majidzadeh, Resource Int.          |                                       |

**LET THE RECORD SHOW:** Chairman Mr. Spinney introduced Mr. Cory Wright, Union Township Assistant Township Administrator. Mr. Wright has been authorized to serve on behalf of Union Township due to the Union Township Administrator position being vacated on January 15<sup>th</sup>. Mr. Spinney thanked Mr. Wright for attending and serving on the Board until the position is filled at Union Township. Board Member, Larry Fronk is not in attendance for the meeting today.

**B. Approval of Minutes**

*Motion by Mr. Manger, seconded by Mr. Wharton, to approve the minutes of the January 8, 2010 Regular Meeting of the Clermont County Transportation Improvement District, as submitted, upon roll call vote carried with members present voting: Mr. Manger, yea: Mr. Wharton, yea: Mr. Spinney, yea: Mr. Wright, abstain.*

*Motion by Mr. Manger, seconded by Mr. Spinney, to approve the minutes of the January 14, 2010 Work Session Meeting of the Clermont County Transportation Improvement District, as submitted, upon roll call vote carried with members present voting: Mr. Manger, yea: Mr. Spinney, yea: Mr. Wharton, yea: Mr. Wright, abstain.*

### C. Transportation Improvement Projects Progress Updates

1. **OKI/ICC Update** – Bob Koehler, OKI, noted that the most current information indicates the proposed stimulus projects may not be funded at all. Mr. Koehler recommended that all members encourage participation in the 2010 Census to ensure future federal funding. Mr. Spinney inquired as to OKI's position on 3C rail development in the area. Mr. Koehler noted that this is an ODOT project to develop and advance. OKI considers this to be a local issue. Mr. Spinney stated that the City of Cincinnati has changed the Cincinnati public rail station site to Lunken Airport but City Staff would prefer the public rail station to be closer to the Norwood Lateral.
2. **Eastern Corridor TDM** –Katie Zehnder, HNTB, noted that most of the Clermont County work is complete and work will begin soon on Segment IVa. Mr. Wharton provided to the Board the HNTB Scope dated November 30, 2009 with a detailed breakdown of labor costs for the contract and an outline of the task orders. The Segment IVa/Task Order #3 work to be completed by HNTB is at a cost of \$81,261.00. Mr. Wharton noted the need to move this project along and suggested that the CCTID Board fully fund Segment IVa work in advance of the release of the ODOT project anticipated in April of 2010.

*Motion by Mr. Wright, seconded by Mr. Manger, to authorize Task Order #3 with HNTB for Segment IVa to be funded by the CCTID as necessary to eliminate delays in the project as submitted, upon roll call, vote, carried with members present voting aye.*
3. **Eastern Corridor Segment IVa** – Mr. Wharton noted with the TDM authorization for the above order the project should be able to move forward prior to April.
4. **IR-275/SR 32 Interchange** – Keith Smith, ODOT, reported that the project is on schedule. Mr. Wharton requested right-of-way acquisition plans to coordinate with the future plans for sanitary sewer improvements and stormwater mitigation issues. Mr. Smith will forward plans to Mr. Wharton. Discussion was held relative to unknown timelines for TRAC funding. Stage II plans are due on May 1<sup>st</sup>. Mr. Manger noted that some of the fly over work in Phase II could be completed in Phase I. Mr. Manager will meet with ODOT to discuss moving the foundations for the flyovers into Phase I rather than Phase II.
5. **Eastgate North Frontage Road** – Mr. Wharton advised that the TID will be funding the right-of-way appraisal with a task order agreement with ME. ODOT is also contracting with ME for ODOT related project right of way appraisal work. Mr. Wharton discussed the outstanding issue of the release of the FY08 Federal earmark of \$245,000 that is needed to cover the task order. Discussion was held at ODOT relative to the federal funding issues but Mr. Smith was unsure of the outcome at this time.
6. **Wolfpen-Pleasant Hill Road Improvements** – Pat Manger reported design is complete. Craig Stephenson reported that right-of-way appraisal work should be completed by April 1<sup>st</sup>. Property acquisition should begin in March and conclude in September. CCEO staff met with Duke Energy and made some revisions to the proposed utility relocations that have reduced the cost for the project from \$750,000 to the \$350,000 range.
7. **Business 28 - Phase 1 Improvements** – Craig Stephenson, CCEO, reported that the project team has been meeting to finalize the relocation of utilities. Recommendations have been made for the Cincinnati Bell conduits that will save time and allow Bell to begin relocation in March. Once the settlements with property owners are finalized the overhead utility relocation should move forward, with a projected start date of July 1, 2010.
8. **SR 28 (I-275 to Castleberry)** – Andy Shahan, LJB, reported he is working on the dedication for the private street. Loretta Rokey, City of Milford, noted that there has been some difficulty in contacting the family. Stage 3 plans have been reviewed by ODOT. The utility relocation needs to be secured within the right of way prior to moving utilities. Mr.

Stephenson noted the need for a task order for real estate services to complete acquisition.

9. **Clough Pike Improvements** – Steve Wharton reported Stage 2 plans are almost complete. Details need to be worked out with traffic signal design at Mt. Carmel-Tobasco Road. Mr. Wharton noted the need for a project team meeting to discuss right of way impacts prior to Stage 2 submittal in March.
10. **Stonelick-Williams Corner Covered Bridge** – Steve Wharton reported that the environmental clearance was approved and work has begun begin on Step 4. Keith Smith advised that the interested parties need to be informed of project updates. Mr. Smith suggested sending a postcard to the parties directing them to the TID website for the information. Mr. Wharton noted that there are 11 interested parties for the project.
11. **US 50 Improvements** – Steve Wharton advised that a time extension for project construction has been submitted to the Ohio Department of Development. The vacant structures will be demolished by March 1<sup>st</sup>. Once Mr. Wharton receives the permit the project will go to bid through the TID.
12. **SR 32 East** – Steve Wharton meet with the Mayor of Mt. Orab to discuss plans for the 32 Corridor. Mt. Orab, which is in ODOT District #9, is dealing with interchange spacing as well. Discussion was held relative to the need for this issue to be resolved with ODOT on SR 32. The goal is to protect right of way and to do more advanced planning to avoid these types of situations in the future.
13. **Tina Drive Extension** – Steve Wharton advised that the open house was held on January 24<sup>th</sup> with a lot of interest in the project, including commercial development. Keith Smith offered to assist with resolving the federal function classification for the project.
14. **Aicholtz Connector** – Mr. Wharton advised that the technical memo has been sent to ODOT and review is to be completed by the end of Feb.
15. **SR450 Improvements** – This project was submitted to OKI for funding but didn't make the cut. The City of Milford has expressed concerns with the proposed new signals. HDR will do further analysis with traffic counts, intersections and signaling to provide alternative solutions. Discussion was held relative to the need for comprehensive planning in the area to provide a positive impact.
16. **US50/SR131 & Milford Parkway/Chamber Drive** – Mr. Wharton requested that Steve Bergman, HDR, work with ODOT on support for the Oasis Rail line in the project area.
17. **US 50/SR450/Eastman Drive Improvements** – Roberts Engineering will begin surveying as weather permits. Pat Manger noted that the Eastman Drive Improvements will be in the first phase and should be completed this year. Craig Stephenson advised that he needs solid traffic numbers for the project.
18. **SR 28 Improvements (Branch Hill-Guinea to SR 48)** - Nathan Moore, Kleingers & Associates, advised that the revised access management and widening project in Goshen and Miami Township has been forwarded to ODOT for review.
19. **SR 28/Branch Hill-Guinea Intersection Improvements:** Nathan Moore, Kleingers & Associates, noted that the Woodville Pike/Branch Hill-Guinea Pike Intersection with SR 28 needs to be coordinated with the proposed ODOT safety project along SR 28 between Branch Hill-Guinea Pike and Smith Road. The surveying work needs to be completed for the Branch Hill-Guinea Pike intersection. A change order is on the agenda today to reflect this additional work. Mr. Wharton noted that this project has Ohio Public Works Commission funding.
20. **ITS Development** – Steve Rabolt, Clermont County OTCS Director, provided an comparison for the cost for the County to build a wireless broad band system rather than

using a local network for service. Mr Rabolt recommended using a local network to avoid costly updates to the system. OTCS staff will be testing the area networks for comparison. Mr. Wharton suggested that the operational committee discuss further. Bob Koehler noted that there is funding available for ITS Development.

#### **D. Financial Items**

- 1. Amendment to the Operational Budget** – Mr. Wharton noted the need to revise the 2010 Budget previously approved on January 8<sup>th</sup> to reflect a decrease of the Union Township Trustees pledge from \$700,000 to \$100,000 for 2010.

*Motion by Mr. Wright, seconded by Mr. Manger, to accept the amendment to the 2010 CCTID Operational Budget as submitted, upon roll call, vote, carried with members present voting aye.*

- 2. Monthly Financial Report** - Mr. Wharton reviewed the financial report and checks written.

*Motion by Mr. Manger, seconded by Mr. Spinney, to accept the monthly financial report as submitted, upon roll call, vote, carried with members present voting aye.*

#### **E. New Business**

- 1. Resolution Number 2010-02, A Resolution Authorizing the Secretary-Treasurer to enter into the First Amendment to the Second Amended and Restated Intergovernmental Agreement by and between Clermont County, Ohio acting through its Board of County Commissioners, the Clermont County Engineer, and the Clermont County Transportation Improvement District.**

*Motion by Mr. Wharton, seconded by Mr. Manger, to a Resolution Authorizing the Secretary-Treasurer to enter into the First Amendment to the Second Amended and Restated Intergovernmental Agreement by and between Clermont County, Ohio acting through its Board of County Commissioners, the Clermont County Engineer, and the Clermont County Transportation Improvement District , as submitted, and upon roll call vote, carried with members present voting aye.*

- 2. Authorization for the Secretary-Treasurer, in consultation with CCTID Legal Counsel, to execute Consultant Agreement 2010-02 with Meisner + Associates in an amount not to exceed \$4,300 for program management advisory services for development of general performance specifications and detail of a prototypical green buffer visual barrier and sound attenuation concept for possible use to mitigate noise, dust and similar nuisances.**

*Motion by Mr. Wright, seconded by Mr. Manger, to authorize the Secretary-Treasurer, in consultation with CCTID Legal Counsel, to execute Consultant Agreement 2010-02 with Meisner + Associates in an amount not to exceed \$4,300 for program management advisory services for development of general performance specifications and detail of a prototypical green buffer visual barrier and sound attenuation concept for possible use to mitigate noise, dust and similar nuisances, as submitted, and upon roll call vote, carried with members present voting aye.*

- 3. Authorization for the Secretary-Treasurer, in consultation with CCTID Financial Advisor and CCTID Legal Counsel, to enter into an agreement with Stifel, Nicolaus & Company, Inc. to provide underwriter services in concert with the CCTID Roadway Improvement Bonds Series 2010.**

*Motion by Mr. Spinney, seconded by Mr. Manger, to authorize the Secretary-Treasurer, in consultation with CCTID Financial Advisor and CCTID Legal Counsel, to enter into an agreement with Stifel, Nicolaus & Company, Inc. to provide underwriter services in*

*concert with the CCTID Roadway Improvement Bonds Series 2010, as submitted, and upon roll call vote, carried with members present voting aye.*

4. **Authorization for the Secretary-Treasurer, in consultation with CCTID Legal Counsel, to enter into and execute, on behalf of the CCTID Board of Trustees, an Environmental Indemnification Agreement by and among Ford Motor Company (the "Seller"), the Director of Development of the State of Ohio (the "State") on behalf of the State (the "Director"), Clermont County CIC, Inc., an Ohio non-profit corporation "CIC"), the CCTID, the Board of Commissioners ("Board") of Clermont County, Ohio ("County"), a county and political subdivision duly organized and validly existing under the laws of the State of Ohio (the Director, the CIC, the TID and the County, collectively referred to as "Indemnified Parties" as related to the sale and subsequent disposition of the Ford Batavia Transmission Facility located at 1981 James Sauls, Sr. Drive, Batavia, Ohio 45103, in essentially the form on file with the CCTID, with only such changes deemed not materially adverse to the CCTID.**

*Motion by Mr. Wharton, seconded by Mr. Manger, to authorize the Secretary-Treasurer, in consultation with CCTID Legal Counsel, to enter into and execute, on behalf of the CCTID Board of Trustees, an Environmental Indemnification Agreement by and among Ford Motor Company (the "Seller"), the Director of Development of the State of Ohio (the "State") on behalf of the State (the "Director"), Clermont County CIC, Inc., an Ohio non-profit corporation "CIC"), the CCTID, the Board of Commissioners ("Board") of Clermont County, Ohio ("County"), a county and political subdivision duly organized and validly existing under the laws of the State of Ohio (the Director, the CIC, the TID and the County, collectively referred to as "Indemnified Parties" as related to the sale and subsequent disposition of the Ford Batavia Transmission Facility located at 1981 James Sauls, Sr. Drive, Batavia, Ohio 45103, in essentially the form on file with the CCTID, with only such changes deemed not materially adverse to the CCTID, as submitted, and upon roll call vote, carried with members present voting aye.*

5. **Authorization for the Secretary-Treasurer, in consultation with CCTID Legal Counsel, to execute Change Order No. 05 to Consultant Agreement No. 2007-11 with LJB, Inc. for the SR 28 Improvements between I-275 and Castleberry Court (PID 82140), consisting of a revision to the scope and fee in Change Order 04, so as to provide for and to accommodate work that was not anticipated in the Consultant's original scope of services as set forth in Change Order 04, with no change in Contract Amount and with no attendant increase in the contract time.**

*Motion by Mr. Wright, seconded by Mr. Manger, to authorize the Secretary-Treasurer, in consultation with CCTID Legal Counsel, to execute Change Order No. 05 to Consultant Agreement No. 2007-11 with LJB, Inc. for the SR 28 Improvements between I-275 and Castleberry Court (PID 82140), consisting of a revision to the scope and fee in Change Order 04, so as to provide for and to accommodate work that was not anticipated in the Consultant's original scope of services as set forth in Change Order 04, with no change in Contract Amount and with no attendant increase in the contract time, as submitted, and upon roll call vote, carried with members present voting aye.*

6. **Amendment to the January 8, 2010 Authorization for the Secretary-Treasurer, in consultation with CCTID Legal Counsel, to execute Consultant Agreement 2010-01 with Roberts Engineering Inc. in an amount not to exceed \$36,449 for the US50-SR 450/Eastman Drive Improvements (PID 90050).**

*Motion by Mr. Spinney, seconded by Mr. Manger, to approve an Amendment to the January 8, 2010 Authorization for the Secretary-Treasurer, in consultation with CCTID Legal Counsel, to execute Consultant Agreement 2010-01 with Roberts Engineering Inc. in an amount not to exceed \$36,449 for the US50-SR 450/Eastman Drive Improvements*

(PID 90050), as submitted, and upon roll call vote, carried with members present voting aye.

- 7. Amendment to the January 8, 2010 Authorization for the Secretary-Treasurer, in consultation with CCTID Legal Counsel, to retain, pursuant to Ohio Revised Code Section 5540.03 (A)(9), the legal firm of Carpenter, Lipps and Leland LLP for consulting and professional services, including program management advice and counsel on matters relating to CCTID transportation and related infrastructure development, implementation and funding in an amount not to exceed \$60,000.**

*Motion by Mr. Spinney, seconded by Mr. Manger, to Amend the January 8, 2010 Authorization for the Secretary-Treasurer, in consultation with CCTID Legal Counsel, to retain, pursuant to Ohio Revised Code Section 5540.03 (A)(9), the legal firm of Carpenter, Lipps and Leland LLP for consulting and professional services, including program management advice and counsel on matters relating to CCTID transportation and related infrastructure development, implementation and funding in an amount not to exceed \$60,000, as submitted, and upon roll call vote, carried with members present voting aye.*

- 8. Authorization for the Secretary-Treasurer, in consultation with CCTID Legal Counsel, to execute Change Order No. 06 to Consultant Agreement 2007-06 with Kleingers & Associates for SR 28 Improvements (PID 82563) and related improvements, increasing the contract amount by \$ 61,171, with a new not to exceed amount under the agreement of \$ 341,953, and extending the contract time to July 30, 2010.**

*Motion by Mr. Spinney, seconded by Mr. Manger, to authorize the Secretary-Treasurer, in consultation with CCTID Legal Counsel, to execute Change Order No. 06 to Consultant Agreement 2007-06 with Kleingers & Associates for SR 28 Improvements (PID 82563) and related improvements, increasing the contract amount by \$ 61,171, with a new not to exceed amount under the agreement of \$ 341,953, and extending the contract time to July 30, 2010, as submitted, and upon roll call vote, carried with members present voting aye*

#### **F. Upcoming Meeting Schedule**

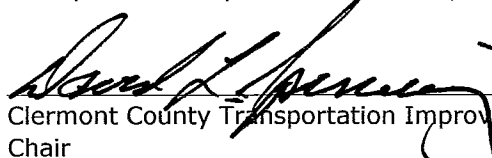
Next Regular meeting: March 19, 2010 at 9:00 A.M.  
Clermont County Engineer's Office  
2381 Clermont Center Drive  
Batavia, OH 45103

#### **G. Adjournment**

*Motion by Mr. Spinney, seconded by Mr. Manger, to adjourn the meeting of the Clermont County TID, upon roll call vote carried with all members present voting aye.*

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Approved at a regularly scheduled meeting of the Board of Trustees of the Clermont County Transportation Improvement District, Clermont County, Ohio, this 9<sup>th</sup> day of April 2010.

  
Clermont County Transportation Improvement District  
Chair

Attest:

Steve Wharton  
Clermont County Transportation Improvement District  
Secretary-Treasurer

Motion to Approve: Spivey

Seconded by: Manger